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Security Council

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Resolution 1472 (2003)

Adopted by the Security Council at its 4732nd meeting, on 28 March 2003

The Security Council,

Noting that under the provisions of Article 55 of the Fourth Geneva Convention (Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949), to the fullest extent of the means available to it, the Occupying Power has the duty of ensuring the food and medical supplies of the population; it should, in particular, bring in the necessary foodstuffs, medical stores and other articles if the resources of the occupied territory are inadequate,

Convinced of the urgent need to continue to provide humanitarian relief to the people of Iraq throughout the country on an equitable basis, and of the need to extend such humanitarian relief measures to the people of Iraq who leave the country as a result of hostilities,

Recalling its previous relevant resolutions, and in particular resolutions 661 (1990) of 6 August 1990, 986 (1995) of 14 April 1995, 1409 (2002) of 14 May 2002, and 1454 (2002) of 30 December 2002, as they provide humanitarian relief to the people of Iraq,

Noting the decision made by the Secretary-General on 17 March 2003 to withdraw all United Nations and international staff tasked with the implementation of the "Oil-for-Food" Programme (hereinafter "the Programme") established under resolution 986 (1995),

Stressing the necessity to make every effort to sustain the operation of the present national food basket distribution network,

Stressing also the need for consideration of a further reassessment of the Programme during and after the emergency phase,

Reaffirming the respect for the right of the people of Iraq to determine their own political future and to control their own natural resources,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

03-30209 (E)

1. *Requests* all parties concerned to strictly abide by their obligations under international law, in particular the Geneva Conventions and the Hague Regulations, including those relating to the essential civilian needs of the people of Iraq, both inside and outside Iraq;

2. *Calls on* the international community also to provide immediate humanitarian assistance to the people of Iraq, both inside and outside Iraq in consultation with relevant States, and in particular to respond immediately to any future humanitarian appeal of the United Nations, and supports the activities of the International Committee of the Red Cross and of other international humanitarian organizations;

3. *Recognizes* that additionally, in view of the exceptional circumstances prevailing currently in Iraq, on an interim and exceptional basis, technical and temporary adjustments should be made to the Programme so as to ensure the implementation of the approved funded and non-funded contracts concluded by the Government of Iraq for the humanitarian relief of the people of Iraq, including to meet the needs of refugees and internally displaced persons, in accordance with this resolution;

4. *Authorizes* the Secretary-General and representatives designated by him to undertake as an urgent first step, and with the necessary coordination, the following measures:

(a) to establish alternative locations, both inside and outside Iraq, in consultation with the respective governments, for the delivery, inspection and authenticated confirmation of humanitarian supplies and equipment provided under the Programme, as well as to re-direct shipments of goods to those locations, as necessary;

(b) to review, as a matter of urgency, the approved funded and non-funded contracts concluded by the Government of Iraq to determine the relative priorities of the need for adequate medicine, health supplies, foodstuffs and other materials and supplies for essential civilian needs represented in these contracts which can be shipped within the period of this mandate, to proceed with these contracts in accordance with such priorities;

(c) to contact suppliers of these contracts to determine the precise location of contracted goods and, when necessary, to require suppliers to delay, accelerate or divert shipments;

(d) to negotiate and agree on necessary adjustments in the terms or conditions of these contracts and their respective letters of credit and to implement the measures referred to in paragraph 4 (a), (b) and (c), notwithstanding distribution plans approved under the Programme;

(e) to negotiate and execute new contracts for essential medical items under the Programme and to authorize issuance of the relevant letters of credit, notwithstanding approved distribution plans, provided that such items cannot be delivered in execution of contracts pursuant to paragraph 4 (b) and subject to the approval of the Committee established pursuant to resolution 661 (1990);

(f) to transfer unencumbered funds between the accounts created pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995) on an exceptional and reimbursable basis as necessary to ensure the delivery of essential humanitarian

supplies to the people of Iraq and to use the funds in the escrow accounts referred to in paragraphs 8 (a) and (b) of resolution 986 (1995) to implement the Programme as provided for in this resolution, irrespective of the phase in which such funds entered the escrow accounts or the phase to which those funds may have been allocated;

(g) to use, subject to procedures to be decided by the Committee established by resolution 661 (1990) prior to the end of the period set out in paragraph 10 below and based on recommendations provided by the Office of the Iraq Programme, funds deposited in the accounts created pursuant to paragraphs 8 (a) and (b) of resolution 986 (1995), as necessary and appropriate, to compensate suppliers and shippers for agreed additional shipping, transportation and storage costs incurred as a result of diverting and delaying shipments as directed by him according to the provisions of paragraph 4 (a), (b) and (c) in order to perform his functions set out in paragraph 4 (d);

(h) to meet additional operational and administrative costs resulting from the implementation of the temporarily modified Programme by the funds in the escrow account established pursuant to paragraph 8 (d) of resolution 986 (1995) in the same manner as costs arising from those activities set forth in paragraph 8 (d) of resolution 986 (1995) in order to perform his functions set out in (d);

(i) to use funds deposited in the escrow accounts established pursuant to paragraphs 8 (a) and 8 (b) of resolution 986 (1995) for the purchase of locally produced goods and to meet the local cost for essential civilian needs which have been funded in accordance with the provisions of resolution 986 (1995) and related resolutions, including, where appropriate, the costs of milling, transportation and other costs necessary to facilitate the delivery of essential humanitarian supplies to the people of Iraq;

5. *Expresses* its readiness as a second step to authorize the Secretary-General to perform additional functions with the necessary coordination as soon as the situation permits as activities of the Programme in Iraq resume;

6. *Expresses further* its readiness to consider making additional funds available, including from the account created pursuant to paragraph 8 (c) of resolution 986 (1995), on an exceptional and reimbursable basis, to meet further the humanitarian needs of the people of Iraq;

7. *Decides* that, notwithstanding the provisions of resolution 661 (1990) and resolution 687 (1991) and for the duration of the present resolution, all applications outside the Oil-for-Food Programme submitted by the United Nations agencies, programmes and funds, other international organizations and non-governmental organizations (NGOs) for distribution or use in Iraq of emergency humanitarian supplies and equipment, other than medicines, health supplies and foodstuffs, shall be reviewed by the Committee established pursuant to resolution 661 (1990), under a 24-hour no-objection procedure;

8. *Urges* all parties concerned, consistent with the Geneva Conventions and the Hague Regulations, to allow full unimpeded access by international humanitarian organizations to all people of Iraq in need of assistance and to make available all necessary facilities for their operations and to promote the safety, security and freedom of movement of United Nations and associated personnel and their assets, as well as personnel of humanitarian organizations in Iraq in meeting such needs;

9. *Directs* the Committee established pursuant to resolution 661 (1990) to monitor closely the implementation of the provisions in paragraph 4 above and, in that regard, requests the Secretary-General to update the Committee on the measures as they are being taken and to consult with the Committee on prioritization of contracts for shipments of goods, other than foodstuffs, medicines, health and water sanitation related supplies;

10. *Decides* that the provisions contained in paragraph 4 of this resolution shall remain in force for a period of 45 days following the date of adoption of this resolution and may be subject to further renewal by the Council;

11. *Requests* the Secretary-General to take all measures required for the implementation of the present resolution and to report to the Security Council prior to the termination of the period defined in paragraph 10;

12. *Decides* to remain seized of the matter.